

MEMORANDUM

Amended
Special Item No. 1

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 27, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the Mayor
to prepare a report and
recommendations on several
issues related to annexation and
incorporation
Resolution No. R-186-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa and Co-Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



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(Revised)

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Amended
Special Item No. 1
2-27-14

RESOLUTION NO. R-186-14

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO
PREPARE A REPORT AND RECOMMENDATIONS ON
SEVERAL ISSUES RELATED TO ANNEXATION AND
INCORPORATION

WHEREAS, this Board may soon consider a number of annexation and incorporation proposals; and

WHEREAS, the Board would benefit from a report and recommendations on several issues related to annexations and incorporations, including:

1. Whether additional areas or facilities of countywide significance should be considered regional assets that should remain under the regulatory control of the county;
2. Whether the area that lies outside of the Urban Development Boundary should be defined as a regional asset that should remain under the exclusive regulatory control of the County;
3. Whether the Board should further strengthen existing policies that prefer annexation of areas into existing municipalities over creating new municipalities through incorporation;
4. Whether police and fire services should be considered regional in nature and remain at the County level when new municipalities incorporate; and
5. Whether there is any outstanding County debt that would be affected by additional annexation and incorporation; and
6. Study the impact of the County's retaining franchise fees and utility taxes on annexations; and
7. Study the impact of annexations and incorporations on the following departments: Water and Sewer, Aviation, and Seaport; and
8. Address how the County will sustain unincorporated areas which decide not to be annexed to an existing municipality or incorporated into a new municipality; and
9. Identify unincorporated area enclaves and the County's cost of serving these areas; and
10. Estimate the County's costs of servicing the remaining unincorporated area; and
11. Study the impact of future incorporations on sales tax revenues; and
12. Identify Unincorporated Municipal Service Area tax revenues that are spent on countywide services

1. Regional assets

WHEREAS, in general, significant County facilities within the unincorporated area are under the exclusive regulatory control of the County; and

WHEREAS, on September 16, 2005, this Board enacted Ordinance No. 05-141, which identified locations in unincorporated Miami-Dade County that were “areas or facilities of countywide significance” and which established the County’s regulatory control over such areas and facilities regardless of any annexation or incorporation; and

WHEREAS, Ordinance No. 05-141 included a list of areas or facilities of countywide significance that included facilities associated with the Miami-Dade Police Department, Miami-Dade Water & Sewer Department, Miami-Dade Fire Rescue Department, Miami-Dade Aviation Department and Miami-Dade Seaport Department; and

WHEREAS, Ordinance No. 05-141 required that the County retain regulatory control over such areas and facilities as a condition of annexation by interlocal agreement and in the charters of newly-incorporated municipalities; and

WHEREAS, Ordinance No. 05-141 provided that the Board may designate additional facilities and areas as “areas or facilities of countywide significance” by resolution of the Board; and

WHEREAS, additional incorporations and annexations without providing for County jurisdiction over additional areas or facilities of countywide significance would place many of these facilities within the boundaries of municipalities and could subject them to a patchwork of regulations; and

WHEREAS, it may be necessary to update the list of areas or facilities of countywide significance identified in Ordinance No. 05-141, as changes may have occurred in the eight years

since the enactment of Ordinance No. 05-141 requiring additional facilities to be added to the list of areas or facilities of countywide significance; and

2. Urban Development Boundary

WHEREAS, Section 6.05 of the Miami-Dade County Home Rule Charter establishes an alternative mechanism for municipal incorporation that provides that any proposed municipality whose boundaries include any area outside the urban development boundary as may be described in the County's Comprehensive Development Master Plan shall abide by the permitted uses as set forth in such plan; and

WHEREAS, Section 20-7 of the Code of Miami-Dade County provides that in deciding whether to annex an area, one of the guidelines the Board of County Commissioners considers is whether the proposed annexation area is totally contained within the Urban Development Boundary depicted on the future Land Use Plan map of the Miami-Dade County Comprehensive Development Master Plan; and

WHEREAS, Section 20-23 includes a substantially similar provision related to incorporations; and

WHEREAS, section 2-116.1.2 provides that permitted land uses outside the Urban Development Boundary shall be governed by the Miami-Dade County Comprehensive Development Master Plan notwithstanding the fact that the Urban Development Boundary may lie within a municipality; and

WHEREAS, section 2-116.1.2 further provides that any amendments to the Urban Development Boundary line or land use permitted by the Comprehensive Development Master Plan shall be filed and processed in accordance with the procedures for applications located within the unincorporated area, and that all municipal land use decisions outside the Urban

Development Boundary shall be consistent with the Comprehensive Development Master Plan; and

WHEREAS, in approving annexation requests, the Board has in the past required approval of land uses and land development regulations outside Miami-Dade County's Urban Development Boundary to be consistent with the Miami-Dade County Comprehensive Development Master Plan in that portion of the annexing area lying outside the Urban Development Boundary; and

WHEREAS, the Board may desire to identify the area that lies outside of the Urban Development Boundary as an area of countywide significance that is subject to the exclusive regulatory control of the County; and

3. Annexation into Existing Municipalities

WHEREAS, there are already 34 municipalities within Miami-Dade County; and

WHEREAS, section 20-23 provides that one of the guidelines the Board should consider in evaluating the appropriateness of a proposed petition to incorporate a new municipality is if there are no suitable alternatives to incorporation including annexation to an existing municipality; and

WHEREAS, it may be preferential for municipalities located near unincorporated areas to annex such unincorporated areas, rather than such areas incorporating into additional new municipalities; and

WHEREAS, small and fiscally-constrained municipalities in particular may benefit from annexation of nearby unincorporated areas; and

WHEREAS, the Board may desire to amend its policy to provide a greater preference and incentive for annexation of unincorporated areas into existing nearby municipalities than already appears in section 20-23; and

4. Police and Fire as Regional Assets

WHEREAS, section 20-25 of the Code of Miami-Dade County provides that as a condition of incorporation, each new municipality shall include a provision in its charter and shall agree to remain a part of the Miami-Dade County Fire Rescue District in perpetuity; and

WHEREAS, section 20-25 further provides that as a condition of incorporation, each new municipality shall include a provision in its charter and shall agree that to contract with the Miami-Dade County Police Department to pay for local patrol services for no less than three years; and

WHEREAS, the Board may desire to adopt a policy that considers both police and fire as regional services and require newly-incorporating municipalities to continue to use police services provided by the County in perpetuity; and

5. Outstanding Debt

WHEREAS, section 20-8.5 of the Code of Miami-Dade County provides that any changes in the boundaries of a municipality involving the annexation of unincorporated areas shall be effective only upon the condition that such municipality shall be responsible for its pro-rata share of any County debt outstanding for the area to be annexed at the time of the annexation; and

WHEREAS, section 20-26 includes a substantially similar provision related to incorporations; and

WHEREAS, the Board wants to be advised of any outstanding County debt that was issued in reliance on unincorporated area revenues and if it may be affected by additional annexation and incorporation; and

WHEREAS, the Board would benefit from a report and recommendations on the issues set forth above,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the Mayor or designee to:

Section 1. Prepare a report and recommendations on several issues related to annexations and incorporations, including:

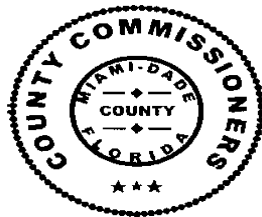
1. Whether additional areas or facilities of countywide significance should be considered regional assets that should remain under the regulatory control of the county;
2. Whether the area that lies outside of the Urban Development Boundary should be defined as a regional asset that should remain under the exclusive regulatory control of the County;
3. Whether the Board should further strengthen existing policies that prefer annexation of areas into existing municipalities over creating new municipalities through incorporation;
4. Whether police and fire services should be considered regional in nature and remain at the County level when new municipalities incorporate; and
5. Whether there is any outstanding County debt that would be affected by additional annexation and incorporation; and
6. Study the impact of the County's retaining franchise fees and utility taxes on annexations; and
7. Study the impact of annexations and incorporations on the following departments: Water and Sewer, Aviation, and Seaport; and
8. Address how the County will sustain unincorporated areas which decide not to be annexed to an existing municipality or incorporated into a new municipality; and
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Section 2. Provide such a report and recommendations to the full Board without committee review within 90 days of the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa and the Co-Sponsor is Vice Chair Lynda Bell. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye	
	Lynda Bell, Vice Chair	aye	
Bruno A. Barreiro	aye	Esteban L. Bovo, Jr.	aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	absent
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of February, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Craig Coller
Cynthia Johnson-Stacks
Jess M. McCarty